

YOUR CHILD'S PROOF OF UNITED STATES CITIZENSHIP

A recent high school graduate, whose parents are both deceased, seeks admission to the United States Military Academy at West Point. Unable to present proof of United States citizenship, he is faced with the difficult problem of proving his status.

A young college man applies for a critical job that must be filled immediately. Unable to substantiate his status as a United States citizen without extensive documentation and investigation, he loses the opportunity to obtain the position.

A young woman, after making arrangements for an early sailing to Europe, applies for a passport. Finding that a question as to her citizenship exists, she misses her sailing date.

A young lady obtains a position with a commercial organization which has classified contracts with the United States Government. Her security clearance is held up because she cannot prove United States citizenship.

A young man applies for Officer Candidate School while in the military services. His processing is delayed since he does not have proof of United States citizenship.

What do all these people have in common? They are all children born overseas of American parents. Their births were recorded with the United States Consulate, yet their citizenship status is in question. These problems could have been avoided had the parents, or the children themselves, obtained a Certificate of Citizenship upon returning to the United States.

This document, issued by the Immigration and Naturalization Service, is a conclusive determination of a person's citizenship status.

Children born overseas obtain citizenship by derivation, where both parents are U.S. citizens or where one parent is a citizen and the other a foreign national. Where both parents are citizens, one of them must have had a residence in the United States or its outlying possessions before the birth of the child. In cases where one parent is an alien, the citizen parent must have been physically present in the United States or its outlying possessions for not less than ten years, at least five of which were after attaining the age of fourteen. Periods of honorable service in the Armed Forces may be included in computing this ten-year physical presence requirement.

Children born to one alien and one citizen parent are required to be physically present in the United States for a continuous period of at least two years between the ages of 14 and 28 years to retain their U.S. citizenship; the residence requirement is not necessary if the alien parent becomes naturalized while the child is under the age of 18 and the child begins to reside permanently in the United States while under the age of 18. During the period of the residence requirement, absences from the United States totalling up to 60 days will not break the continuity of the physical presence. (Amended October 1972)

To avoid having your child's citizenship questioned, parents should record the birth of their child as soon as possible after the birth with

the nearest U.S. Consulate by completing Department of State Form FS-240, Report of Birth Abroad of a Citizen of the United States of America, commonly referred to as Consular Report of Birth. A copy of the report is returned to the parents upon request and the original is forwarded to the Department of State in Washington.

At the same time parents should request the U.S. Consulate to furnish them a Form FS-545, Certificate of Birth, a shortened version of the Consular Report of Birth. This form will prove especially useful when children seek to establish birth facts for school entry, work permits, etc., but it does not replace the Consular Report of Birth, nor is it considered proof of U.S. Citizenship.

The Consular Report of Birth is considered a basic citizenship document by the Department of State and is accepted as such by many other governmental and non-governmental agencies. However, it cannot be considered as a conclusive finding of citizenship, since there is no statutory basis providing for the Consular Report of Birth as proof of citizenship.

To obviate the necessity of producing other detailed documentation whenever citizenship is questioned, Congress has made available, under Section 341 of the Immigration and Nationality Act of 1952, the Certificate of Citizenship. Under this provision of the Act, the Immigration and Naturalization Service has the sole authority to determine whether or not a person is a U.S. citizen and provides for the issuance of the Certificate of Citizenship.

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Since the Consular Report of Birth is not conclusive proof of U.S. Citizenship, it can be questioned at any time, whereas the Certificate of Citizenship, once issued, is final proof of citizenship and can only be challenged for fraud or other illegality. Although possession of a Certificate of Citizenship is not mandatory, it will avoid a great deal of difficulty in later years should citizenship ever be questioned. Parents of those children born overseas are urged to obtain Certificates of Citizenship for them as soon as conveniently possible following return to the United States. The fee for this Certificate is \$10.00.

Further advice and guidance may be obtained from the Administrative Staff, Personnel Branch/FBIS on extension ☐ upon your return.

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